## R E M A R K S

In the Office Action, the finality of the rejection of the last Office Action was persuasive and, therefore, the finality of that action was withdrawn as mentioned in the Office Action.

New claim 9 is added by this response and is dependent upon claim 1. Support for new claim 9 can be found on pages 9 and 10 of the specification.

Claim 1 was rejected under 35 USC 103(a) as unpatentable over Murase et al (US Patent No. 4,848,288) in view of Ida et al (US Patent No. 4,978,864) for the reasons stated in the Office Action.

The present claimed invention recites an engine starter including a recoil device and a ring gear operatively rotated with the recoil device. A recoil cover accommodates the recoil device and the ring gear therein. A starter device including pinions is engaged with the ring gear only when said starter device is operated. A drain mechanism is provided on the recoil cover for allowing a liquid entering from the recoil cover to be discharged by one-touch operation.

Claim 1 has been amended to state that "a starter device having pinions engaged with said ring gear only when said starter device is operated". In other words, the pinions are not engaged with the ring gear when the starter device is not operated.

Murase et al. disclose an engine starter comprising a recoil device (12) and a ring gear (9) operatively rotated with the

recoil device. Murase et al. also disclose a recoil cover (1) for accommodating the recoil device and the ring gear and a starter device having pinions (19) engaged with the ring gear. However, Murase et al. neither disclose nor suggest a starter device including pinions is engaged with the ring gear only when the starter device is operated as in the present claimed invention.

In the present invention, the pinion 3a of the starter device 3 is engaged with the ring gear 5 only when the starter device 3 is operated. In other words, the pinions are not engaged with the ring gear at all other times.

On the other hand, in Murase et al., when starting is initiated from the cell starter 15, a torque is transmitted from the pinion 16, the gear 17, and the intermediate shaft 18 to the pinion 19 through the one-way clutch 20. The pinion 19 of Murase et al., which corresponds to the pinion 3a of the present claimed invention, is engaged at all times with the rotor gear 9, which corresponds to the ring gear 5 of the present claimed invention. The torque which is transmitted to the rotor gear 9 is then transmitted to the pulley 12 and further to the crankshaft 10 through the cam 11 and the ratchet 13.

Moreover, when the starting of Murase et al. is initiated from the recoil starter, the torque is transmitted to the reel 4, the ratchet 7, the rotor gear 9, the cam 11, the ratchet 13, the pulley 12 and the crankshaft 10 in that order. In this case, the pinion 19 engaged with the rotor gear 9 is rotated, but the rotation of the pinion 19 is not transmitted to the intermediate shaft 18 through the one-way clutch 20.

Ida et al. disclose a draining mechanism provided on an engine cover for allowing a liquid entering form the recoil cover to be discharged by a one-touch operation. However, Ida et al. neither disclose nor suggest a starter device including pinions is engaged with the ring gear only when the starter device is operated as in the present claimed invention.

In view of the above remarks and amendment to claim 1, it is respectfully submitted that Ida et al when taken alone or in combination with Murase et al. neither disclose nor suggest a starter device having pinions engaged with said ring gear only when said starter device is operated and therefore do not make the present claimed invention unpatentable. Thus, it is further respectfully submitted that the rejection has been satisfied and should be withdrawn.

Claim 2 was rejected under 35 USC 103(a) as being unpatentable over Murase et al in view of Ida et al as applied to claim 1 above, and further in view of Gotoh (US Patent No. 4,491,754) on the grounds set forth in the Office Action.

Gotoh discloses a drain mechanism including a transparent pipe member attached to an engine cover. However, similarly to Murase et al. And Ida et al., Gotoh neither discloses nor suggests a starter device including pinions is engaged with the ring gear only when the starter device is operated as in the present claimed invention.

In view of the above remarks and amendment to claim 1, it is respectfully submitted that Gotoh adds nothing when taken alone or in any combination with Murase et al. and Ida et al. that

would make the present claimed invention unpatentable. Further, as claim 2 is dependent upon claim 1, it is respectfully submitted that claim 2 is allowable for the same reasons as claim 1. Thus, it is further respectfully submitted that the rejection has been satisfied and should be withdrawn.

Claim 3 was rejected under 35 USC 103(a) as unpatentable over Murase et al in view of Ida et al as applied to claim 1, and further in view of Haynes (US Patent No. 4,757,710) for the reasons stated in the Office Action.

Haynes discloses the use of a window on an engine cover for viewing liquid levels. However, similarly to Murase et al. and Ida et al., Haynes neither discloses nor suggests a starter device including pinions is engaged with the ring gear only when the starter device is operated as in the present claimed invention.

In view of the above remarks and amendment to claim 1, it is respectfully submitted that Haynes adds nothing when taken alone or in any combination with Murase et al., Ida et al. that would make the present claimed invention unpatentable. Further, as claim 3 is dependent upon claim 1, it is respectfully submitted that claim 3 is allowable for the same reasons as claim 1. Thus, it is further respectfully submitted that the rejection has been satisfied and should be withdrawn.

Claim 4 was rejected under 35 USC 103(a) as unpatentable over Murase et al in view of Ida et al and Gotoh as applied to claim 2, and further in view of Haynes on the grounds set forth in the Office Action.

Haynes discloses the use of a window on an engine cover for viewing liquid levels. However, similarly to Murase et al. and Ida et al., Haynes neither discloses nor suggests a starter device including pinions is engaged with the ring gear only when the starter device is operated as in the present claimed invention.

In view of the above remarks and amendment to claim 1, it is respectfully submitted that Haynes adds nothing when taken alone or in any combination with Murase et al., Ida et al., or Gotoh that would make the present claimed invention unpatentable. Further, as claim 4 is dependent upon claim 1, it is respectfully submitted that claim 4 is allowable for the same reasons as claim 1. Thus, it is further respectfully submitted that the rejection has been satisfied and should be withdrawn.

Claim 5 was rejected under 35 USC 103(a) as unpatentable over Murase et al in view of Ida et al as applied to claim 1, and further in view of Ide (US Patent No. 4,038,051) for the reasons stated in the Office Action.

Ide discloses a compressed air injection hole for introducing compressed air to forcibly discharge the liquid inside a cover. Ide also discloses a lid for the drain valve and it would have been obvious to provide a lid over the compressed air hole to prevent debris from entering. However, similarly to Murase et al and Ida et al., Ide neither discloses nor suggests a starter device including pinions is engaged with the ring gear only when the starter device is operated as in the present claimed invention.

In view of the above remarks and amendment to claim 1, it is respectfully submitted that Ide adds nothing when taken alone or in any combination with Murase et al. or Ida et al. that would make the present claimed invention unpatentable. As claim 5 is dependent upon claim 1, it is respectfully submitted that claim 5 is allowable for the same reasons as claim 1. Thus, it is further respectfully submitted that the rejection has been satisfied and should be withdrawn.

Claim 6 was rejected under 35 USC 103(a) as unpatentable over Murase et al in view of Ida et al and Gotoh as applied to claim 2, and further in view of Ide on the grounds set forth in the Office Action.

As discussed above, Murase et al., Ida et al., Gotoh and Ide neither disclose nor suggest a starter device including pinions is engaged with the ring gear only when the starter device is operated as in the present claimed invention.

In view of the above remarks and amendment to claim 1, it is respectfully submitted that Murase et al., Ida et al., Gotoh and Ide et al., when taken alone on in any combination do not make the present claimed invention unpatentable. Further, as claim 6 is dependent upon claim 1, it is respectfully submitted taht claim 6 is allowable for the same reasons as claim 1. Thus, it is further respectfully submitted that the rejection has been satisfied and should be withdrawn.

Claim 7 was rejected as unpatentable over Murase et al in view of Ida et al and Haynes as applied to claim 3, and further in view

of Ide for the reasons stated in the Office Action.

As discussed above, Murase et al., Ida et al., Haynes and Ide neither disclose nor suggest a starter device including pinions is engaged with the ring gear only when the starter device is operated as in the present claimed invention.

In view of the above remarks and amendment to claim 1, it is respectfully submitted that Murase et al., Ida et al., Haynes and Ide et al., when taken alone on in any combination do not make the present claimed invention unpatentable. Further, as claim 7 is dependent upon claim 1, it is respectfully submitted that claim 7 is allowable for the same reasons as claim 1. Thus, it is further respectfully submitted that the rejection has been satisfied and should be withdrawn.

Claim 8 was rejected under 35 USC 103(a) as unpatentable over Murase et al in view of Ida et al, Haynes and Gotoh as applied to claim 4, and further in view Ide on the grounds set forth in the Office Action.

As discussed above, Murase et al., Ida et al., Haynes, Gotoh and Ide neither disclose nor suggest a starter device including pinions is engaged with the ring gear only when the starter device is operated as in the present claimed invention.

In view of the above remarks and amendment to claim 1, it is respectfully submitted that Murase et al., Ida et al., Haynes, Gotoh and Ide et al., when taken alone on in any combination do not make the present claimed invention unpatentable. Further, as claim 8 is dependent upon claim 1, it is respectfully submitted

taht claim 8 is allowable for the same reasons as claim 1. Thus, it is further respectfully submitted that the rejection has been satisfied and should be withdrawn.

In the event there are further issues remaining the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Since the present claims set forth the present invention patentably and distinctly, and are not taught by nor obvious from the cited art as correctly recognized by the Examiner, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted

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CERTIFICATE OF MAILING UNDER 37 CFR SECTION 1.8(a)

I hereby certify that the accompanying Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 3, 2003.

Dated: July 3, 2003

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